

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUÑIZ,
HANNAH PEARCE, MARCUS MARTIN,
NATALIE ROMERO, CHELSEA
ALVARADO, JOHN DOE, and
THOMAS BAKER,

Plaintiffs,

Civil Action No. 3:17-cv-00072-NKM

v.

JASON KESSLER, et al.,

Defendants.

**PLAINTIFFS' SUPPLEMENTAL BRIEF
REGARDING DEFENDANT ELLIOTT KLINE A/K/A ELI MOSLEY**

Plaintiffs respectfully submit this Supplemental Brief Regarding Plaintiffs' Response to the Court's December 31, 2019 Order Regarding Defendant Elliott Kline a/k/a Eli Mosley, ECF No. 612, to bring to the Court's attention the seeming existence of a fifth email address used by Kline—CvilleReports@gmail.com—that Kline has not disclosed and that Plaintiffs only recently discovered. Apparently, Kline used this email address to communicate regarding Unite the Right, including to solicit materials that would be responsive to Plaintiffs' discovery requests. Specifically, at some point apparently shortly after Unite the Right, Kline tweeted: "Email all reports to CvilleReports@gmail.com. Include 'Police, Libel, Antifa, etc' in subject line w/summary in body." Exhibit A at 2. He followed up this tweet by specifically requesting that followers send him photographs and videos at this email address: "If you have any questions or concerns please email or DM me. Please spread this information and email address through all

communications. / If you had a gopro or camera that day we would like the entire raw footage to use as evidence. / (I would like a picture of myself with the bloody shirt if possible). / We need pictures and video evidence from the parking garage incident[.]” *Id.* at 3.¹ On August 17, 2017, a Discord user posting on one of the servers associated with Unite the Right confirmed that this email address was associated with Kline: “Pastebin sent to CvilleReports@gmail.com / Eli Mosley for additional evidence on Cville case[.]” Exhibit B at 4.

The existence of this fifth email address, which Kline has never identified to either Plaintiffs or the Court, confirms yet again that Kline’s responses to Plaintiffs’ Interrogatories and his testimony under oath were false. *See, e.g.*, Kline’s Responses to First Interrogatories at Interrogatory No. 1, ECF No. 612-1, Dec. 30, 2019 (“The following emails deplorabletruth@gmail.com, eli.f.mosley@gmail.com, eli.r.kline@gmail.com, and eli.mosley@identityevropa.com.”); Deposition of Elliott Kline 169, Aug. 7, 2019, ECF No. 601-1 (“Q. When you were referring to, quote, real e-mail addresses, are there any others besides the ones we discussed today, Eli.F.Mosley@Gmail.com, DeplorableTruth@Gmail.com, and your Identity Evropa e-mail address? A. No. Q. Those are the only three you have? A. Correct.”), 119 (“Q: The e-mail address that would have on it e-mails regarding this case or Unite the Right is Eli.F.Mosley@Gmail.com correct? A: Yes. And I – Eli.Mosley@IdentityEvropa.”).

Furthermore, Kline’s express solicitation of “raw footage” and “pictures and video evidence” to be sent to this email address further undermines Kline’s continued insistence, which this Court has already rejected, that he has only one responsive document in his possession.

¹ The “parking garage” incident apparently refers to the assault on DeAndre Harris in a parking garage during Unite the Right on August 12, 2017. Mr. Harris’ attackers have been convicted and are currently serving prison terms. Christina Caron, *Charlottesville Attacker Gets Nearly 4 Years in Prison for Beating of Black Man*, N.Y. TIMES, Jan. 8, 2019, <https://www.nytimes.com/2019/01/08/us/daniel-borden-deandre-harris-charlottesville.html>.

Compare, e.g., Kline’s Responses to First Set of Document Requests at Request for Production 2, ECF No. 612-1, Dec. 30, 2019 (“The same ‘OpOrd’ document described above is the only document used by myself for the planning of Unite the Right.”), with Order for Elliott Kline to Surrender to Custody of the U.S. Marshal 3–4, Jan. 3, 2020, ECF No. 613 (“[T]his Court already found ‘unbelievable [Kline’s] explanations why he had only one responsive document’” (second alteration in original)).

Dated: January 6, 2020

Respectfully submitted,

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Michael L. Bloch (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com
jfink@kaplanhecker.com
gtenzer@kaplanhecker.com
mbloch@kaplanhecker.com

Yotam Barkai (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 446-2300
Fax: (212) 446-2350

Karen L. Dunn (*pro hac vice*)
Jessica E. Phillips (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, NW
Washington, DC 20005
Telephone: (202) 237-2727
Fax: (202) 237-6131
kdunn@bsfllp.com
jphillips@bsfllp.com
wisaacson@bsfllp.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6260

ybarkai@bsflp.com

David E. Mills (*pro hac vice*)
Joshua M. Siegel (VSB 73416)
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com
jsiegel@cooley.com

Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com

J. Benjamin Rottenborn (VSB 84796)
Erin B. Ashwell (VSB 79538)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com
eashwell@woodsrogers.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

*Counsel for Defendants Jason Kessler,
Nathan Damigo, Identity Europa, Inc.
(Identity Evropa), Matthew Parrott, and
Traditionalist Worker Party*

Justin Saunders Gravatt
David L. Campbell
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
jgravatt@dhdglaw.com
dcampbell@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

William Edward ReBrook, IV
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National
Socialist Movement, and Nationalist Front*

John A. DiNucci
Law Office of John A. DiNucci
8180 Greensboro Drive, Suite 1150
McLean, VA 22102
dinuccilaw@outlook.com

Counsel for Defendant Richard Spencer

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,
Michael Tubbs, and League of the South*

I further hereby certify that on January 6, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

Christopher Cantwell
christopher.cantwell@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Robert Azzmador Ray
azzmador@gmail.com

Elliott Kline a/k/a Eli Mosley
eli.f.mosley@gmail.com
deplorabletruth@gmail.com

Matthew Heimbach
matthew.w.heimbach@gmail.com

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)
COOLEY LLP

Counsel for Plaintiffs